

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

In Re: The Affidavit of Support)	
(Form I-864))	
)	
OLGA STUMP,)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 1:04-CV-253-TS
)	
KENNETH STUMP,)	
Defendant.)	

OPINION AND ORDER

On October 25, 2005, this Court entered an Opinion and Order after a bench trial. The Court directed the Clerk to enter judgment in favor of the Plaintiff, Olga Stump, and against the Defendant, Kenneth Stump in the amount of \$18,813.87. The Court also stated that the Defendant had a continuing duty to maintain the Plaintiff at 125% of the Federal poverty level.

The Court addressed the Plaintiff's request for attorney's fees in a separate Opinion and Order dated March 31, 2006. On this same date, the Clerk entered final judgment in this cause in favor of the Plaintiff and against the Defendant. The Plaintiff sought satisfaction of the judgment through Proceedings Supplemental. Thereafter, on June 26, 2006, the Defendant filed a petition for bankruptcy in the United States Bankruptcy Court for the Northern District of Indiana.

On July 3, 2006, the Defendant filed a Motion for Stay of Proceedings in this cause. The Plaintiff did not respond to the Motion and on July 26, 2006, the Court granted the stay and cancelled a scheduled Proceedings Supplemental hearing.

The Plaintiff now requests that the Court "order and set an amount of liability pursuant to the Court's Order dated October 25, 2005." (DE 69 at 1.) The Plaintiff asks that the Court enter

judgment in her favor for an amount due for continuing support and for additional attorney's fees. Because final judgment has already been entered in this cause, the Court is without authority to enter judgment as requested by the Plaintiff. In addition, there has been no order of relief from the automatic stay.

Perhaps what the Plaintiff intended by its motion was to request that the court reconsider the applicability of the automatic stay and the dischargeability of the Defendant's debt so that it may continue with proceedings supplemental. That request, however, was not presented to the Court.

For the foregoing reasons, the Plaintiff's Motion to Order and Set Amount of Liability [DE 69], filed on November 13, 2006, is DENIED.

SO ORDERED on November 22, 2006.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION